EXCISE DEPARTMENT.

SALE OF ENGLISH DRAUGHT BEER TAVERNS IN THE BOWRINGPET TALUK FOR HALF YEAR (FROM 1ST JANUARY TO 30TH JUNE 1911).

Notice No. 4622, dated 13th November 1910.

1. Notice is hereby given that the exclusive privilege of selling English Draught Beer or Porter in the tavern established in the Kolar Gold Fields for the six months beginning with 1st January 1911 and ending with 30th June 1911, will be sold by public auction on the date and at the place mentioned below, by the Deputy Commissioner of the District concerned or other officer authorized by him.

2. The exclusive privilege will first be put up to auction at an upset price fixed at Rs. 100 per mensem. If there are no bids for or above the upset price, then it will be put up to auction at the upset price of Rs. 25 per hogshead of Beer or Porter which will be sold in the tavern.

3. Each bidder at the auction shall deposit a sum of Rs. 100 or such other reasonable amount as may be fixed by the officer conducting the sale, previous to bidding. The tavern will be knocked down to the approved highest bidder, subject to the formal confirmation by the Deputy Commissioner, who will be at liberty to accept or reject the bid at discretion, without assigning reasons for the same. Such formal confirmation will, unless revised by Government, be tantamount to an acceptance of the bid. Parties intending to bid must attend either in person or by duly accredited agents.

4. As soon as the auction is completed, the deposits made by the unsuccessful bidders, will be returned to them.

5. The person to whom the tavern has been knocked down, shall be required to leave his address with the sale-conducting officer in order that the confirmation of the sale may be communicated to that address, and within seven days after service of the said notice by its presentation to the purchaser or any adult male member of the family at the place of the said address or by its being affixed thereto or by its forwarded duly registered by post, deposit such further sum as, with the first deposit, will make up a total security of Rs. 200 for the tavern knocked down to him or such other reasonable amount as may be fixed by the Deputy Commissioner according to the value of the tavern; and shall take out licenses and execute counterpart-engagements, on the conditions hereinafter set forth. On the failure of any person to make the deposit or to take out license or to execute the counterpart-engagement, as aforesaid, the tavern will be resold at the risk of such person, or will be otherwise disposed of at the discretion of the Deputy Commissioner. In the case of the purchaser's death after the confirmation of the sale, it will be binding on his heirs or assigns.

6. Resales effected under para 6 *supra*, will be at the risk of the defaulting bidder, who shall forfeit all gain; and in the event of a loss by resale or other disposal, he shall make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale or by disposal otherwise. In the latter case, the forfeited deposit shall be deducted from the loss arising from the resale or other disposal, and the remainder, if any, shall be recovered from the bidder in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposit be greater than the loss by resale or other disposal, the whole of such deposit shall be credited to Government.

7. The license to be taken out under para 5 above, shall be subject to the following conditions, namely:—

(1) The privilege conferred by the license extends to the sale of English Draught Beer or Porter brewed in England or on the Continent, approved by Government.

(2) The tavern shall be maintained in or close to the existing tavern as may be determined by the Deputy Commissioner.

(3) The amount payable for each month on account of the number of hogsheads of Beer or Porter sold, shall be paid into the Taluk Treasury in the first week of the following month, on the challan prescribed for the purpose. But if the tavern is sold on the rental system the khist of the month falls due on the 20th day of the month according to General Condition 27 applicable to all Excise and Opium Licenses published in Notification No. 7993, dated 23rd March 1910. The security deposit shall be taken towards the amount due for the last two months of the period of the lease. Failing payment as above, the Deputy Commissioner shall at once proceed to recover the arrears together with interest at the rate of one pie per rupee per mensem or part thereof under the

rules in force for the collection of land revenue. No remission or abatement of the Government dues shall, on any account whatever, be claimable by the licensee.

(4) The licensee shall further pay a duty of two annas and one pie and a half for every gallon of English Draught Beer or Porter imported by him.

(5) The consignment of English Draught Beer or Porter purchased by the licensee, shall, on arrival, be inspected by the Amildar or an Excise officer at the Railway Station. The invoice covering the consignment shall be duplicated, the original being sent to the Amildar of the taluk, and the duplicate to the Excise Commissioner. On the duty at the abovementioned rate being paid by the licensee on the prescribed challan, the Amildar shall allow the licensee to remove the consignment to his tavern upon a pass signed by the Amildar or other officer authorized in this behalf.

(6) The licensee shall use such measures as may from time to time be prescribed by Government, and provide himself with the printed forms of accounts and permits or passes for transport of Beer or Porter, which forms shall be purchased from local Excise officers.

(7) The licensee shall be bound to take over any Beer or Porter which remained as stock in hand belonging to the out-going licensee on the 1st January 1911, in the existing tavern, paying to the latter such compensation for the same as may be fixed by the Excise Commissioner.

(8) This lease shall not be transferable by sale, gift, mortgage or otherwise without the previous sanction of the Excise Commissioner.

(9) The vendor shall equally with the license-holder be responsible in the penalties herein set forth for breach of any of the conditions of the license.

(10) He shall sell Beer or Porter of approved quality. It may be sold to be drunk on the premises up to one reputed quart bottle at a time and shall not be allowed to be taken out of the premises.

(11) He shall not sell or give Beer or Porter in any quantity whatever directly or indirectly to any European or non-commissioned officer or private or soldier, nor to any European or East Indian woman connected with or related to men of these classes, nor allow him, her, or them, to drink Beer or Porter in his premises or grounds; he shall not permit drunkenness or disorderly behaviour in his shop or premises, and shall not suffer any gambling whatsoever therein, and shall not knowingly permit prostitutes or persons of notoriously bad character to meet or remain therein; he shall not wilfully harbour or conceal therein soldiers or others knowing or having reason to believe such soldiers or others to be deserters; he shall give information of suspicious characters to the Magistrate or Police officer; and he shall not sell or give Beer or Porter to any Police officer, Railway servant, or Excise officer, whilst on duty, or to any insane person.

(12) He shall fix in a conspicuous place outside of his shop a board on which shall be legibly painted his name, vendor's name, the number of his shop, and the article he is licensed to deal in.

(13) He shall not receive any articles whatsoever in barter or pledge, and payment for Beer or Porter shall be made in ready money only at not less than one and a half rupee per imperial gallon and proportionately for fractions thereof.

(14) The Beer or Porter sold under this license shall be brewed from good materials and its quality shall be such as to satisfy the Excise Commissioner, and shall be of the same quality and density as purchased from the Brewer, without dilution or adulteration. Wort shall not exceed 1,073°. The Beer or Porter sold shall not contain more than 8 per cent alcohol by volume. The licensee will be bound to pay duty, together with local cess, at the prescribed rate per gallon of proof spirit on all alcohol in the Beer or Porter in excess of 8 per cent by volume, besides being liable for prosecution. Samples of such Beer or Porter shall be sent duly bottled from the tavern for examination and test whenever required by the Excise Department.

(15) Any Magistrate having local jurisdiction, or any officer acting under his warrant or Excise officer shall be allowed entry to the shop at any hour to test the Beer or Porter on the premises and examine the shop accounts, which it shall be the duty of the license-holder and vendor to keep and produce. Such accounts shall be true and correct, and written up daily in the prescribed forms. All condemned Beer shall be destroyed.

(16) He shall close his shop by 9 P.M., and not open it before sunrise, except on special permit in cases of Native festivals, etc.

(17) Beer brought for the Commissariat Department and rejected by the Military or other Departments, shall not, under any circumstances, be forwarded for sale in the tavern.

(18) The shop shall have only one door, and no window be allowed to the rear or ends of the building; the bar where the liquor is sold from, shall be opposite to the entrance door, and so situated that all persons inside can be seen by any one passing to and fro in the street; and no second room shall be allowed to be kept open for customers.

(19) The licensee shall be bound by the rules in force, and which may be issued from time to time by Government.

8. In the case of any breach of the above conditions either by the licensee, or with his connivance and privity by any person in his employment, or in the event of the licensee neglecting to open his tavern or to carry on his business with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding Rs. 10 for every such breach or neglect, or at the option of the Deputy Commissioner, to declare the money deposited with him forfeited, and to cancel the license and to resell the privilege or to otherwise dispose of it at the risk of the licensee; and all loss thereby caused, together with the loss accruing to Government in consequence of the licensee not carrying on his business by opening his tavern on 1st January 1911, shall be made good by him. When a license is cancelled, the vend fee for the remaining period of the lease calculated on the average consumption of the previous three years advertised in the Schedule shall be payable at once and in default of payment shall be recovered with all losses as if they were arrears of land revenue.

10. The penalties laid down in the last preceding clause shall not exempt the licensee or his employees from prosecution for any offence committed against the Excise laws in force.

Date of sale.

Kolar Gold Fields shop—at Kolar Gold Fields Magistrate's Court, on Saturday the 10th December 1910.

Notification No. 4469, dated 24th November 1910.

In virtue of the powers delegated to him under clause VIII of Government Notification No. 11287—Ex. F. 3-1901, dated 7th January 1902, and in supersession of all rules on the subject, the Excise Commissioner in Mysore hereby prescribes under clause (*o*) of Section 29 of the Mysore Excise Regulation, V of 1901, the following rules for the disposal of articles confiscated under the Regulation and of the proceeds thereof:—

1. When orders are received from competent authority for the confiscation of anything seized or detained under the Regulation, it shall, with all convenient despatch, be sold or destroyed by the person in charge thereof as the officer adjudging the confiscation may direct.

2. When a Magistrate adjudging a confiscation shall, under the second paragraph of Section 66 offer the owner of such thing the option of paying a fine in lieu of confiscation, and if the owner of such thing shall accept such option, he shall be required forthwith to pay such sum as may already have been expended on the safe custody and keep of such thing, and to deposit such further sum as may appear likely to be required for such purposes until the payment of the fine. Ten days shall be allowed for the payment of such fine, within which period, if the fine be paid, the thing shall at once be given up to the owner together with such part of the sum so deposited as may remain unexpended on such purposes. If the fine be not paid within the said period of ten days, the order of confiscation shall be and remain of full effect in the same way as if no option of the payment of a fine had been offered. There shall be no appeal against the adjudication of an optional fine. An appeal may be preferred against the amount of such fine, provided that the fine has been previously paid.

3. No sale of any perishable article ordered to be confiscated shall be postponed on account of the preferring of an appeal against the order of confiscation. The sale of any animal or other thing ordered to be confiscated shall not be postponed on such account unless the owner or his agent shall deposit with the officer ordering the confiscation such sum as such officer may consider sufficient for the keep or safe custody of such animal or other thing pending the result of such appeal. If the result of such appeal be that the order for confiscation is reversed, the owner shall be entitled to receive back the whole of the sum so deposited.

4. If any order that any article be confiscated is reversed on appeal, such article, if it has not been sold before such reversal comes to the knowledge of the officer in charge thereof, or, if it has been sold, the sale proceeds thereof shall be dealt with under Rules 5 to 8 inclusive.

5. Things ordered to be released or their proceeds, if they have been sold, shall at once be given up or paid as the case may be, by the person in charge thereof to the owner or his agent.

6. Should no one appear to receive a thing ordered to be released or the proceeds thereof, the person in charge thereof shall do his best to give notice to the owner of the order of release, and shall cause a notice thereof to be affixed in the village where the seizure of the thing was effected, in the office of the Amildar of the taluk, and in the nearest Police Station to such village.

7. If within two calendar months from the date of the notice no person entitled to receive a thing ordered to be released claim the same and pay all charges incurred on its custody and keep after the date on which the order for its release was notified as herein before directed, it shall be sold; the amount of all charges so incurred shall be credited to Government, and the net proceeds shall be placed in deposit. The same course shall be followed with reference to the proceeds of a thing ordered to be released which has been sold before the receipt of the order of release.

8. If after a further period of two calendar months no person shall have appeared to receive the sum so placed in deposit, it shall be forfeited to Government.

9. The sale proceeds of all confiscated articles shall be paid into the nearest Government Treasury without delay.

10. All confiscated hemp drugs should be sent, by the Magistrate ordering the confiscation, in a sealed package, to the District Excise Officer of the district concerned. District Excise Officers should examine all the confiscated ganja, bhang, etc., and have destroyed in their presence all that is not of good saleable quality. Such as is really good should be forwarded to the Provincial Ganja Stores at Bangalore, whence it will be issued to the Taluk Treasuries for sale to the retail vendors. Care must be taken to weigh the drugs and see that the quantities correspond with those forwarded by the Magistrates, any discrepancy being reported for orders. The ganja confiscated in any case should not be dealt with until the appeal time has expired.

11. Confiscated drugs should be sent by post as far as possible and in cases where large quantities have to be sent and the cost of transmitting them by post is prohibitive, they should be carefully packed and accompanied by a permit.

12. When a Magistrate orders the confiscation of cocaine and its preparations, he should, after the expiry of the appeal time, send them in a sealed package to the District Excise Officer concerned, who should send them to the Excise Commissioner for disposal. The District Excise officer should weigh the drug on receipt to see that the quantity corresponds with that forwarded by the Magistrate, any discrepancies being reported to the Excise Commissioner. The same instructions apply to cocaine and its preparations confiscated by departmental officers. Phials of cocaine hydrochloride on which the original capsules, bands, etc., of the makers are intact and packets containing not less than $\frac{1}{4}$ ounce of the drug will be forwarded by the Excise Commissioner to the officer in charge of the Government Medical Stores; while phials in which the original capsules have been removed and packets containing less than $\frac{1}{4}$ ounce of the drug will be destroyed. "Preparations of Cocaine" other than cocaine hydrochloride will be disposed of as the Excise Commissioner may deem fit.

All cases in which novacain is confiscated should be referred to the Excise Commissioner for orders as to disposal.

13. Liquor confiscated under the Excise Regulation can only be sold to persons licensed to sell the particular description of liquor in question, that is, in the case of foreign liquor to foreign liquor wholesale or retail vendors and in the case of country liquor to arrack independent shop-keepers or vend farmers, if any. It must not be disposed of to the shop-keepers under arrack renters without the consent of the latter. Confiscated liquor should be sold by auction, the upset price being the duty leviable thereon or disposed of without an auction, for any price in excess of the duty.

14. When property not liable to confiscation is seized, the officer inquiring into the case or the Court dealing with the case may, on the close of the inquiry or trial, order the return of the property to the owner or his agent. Should no one appear to receive the property, the procedure laid down in Rules 6 to 8 shall be followed.

Circular Memorandum No: 4470; dated 24th November 1910.

The following instructions in the matter of confiscation under the Mysore Excise Regulation, 1901, which have received the sanction of Government, are issued for the guidance of all officers concerned:—

1. *Powers of confiscation.*—The powers of confiscation vested in the Department under the Excise Regulation are limited to those shown in the third clause of Section 66, namely, when the offender is not known or cannot be found or when anything liable to confiscation, and not in the possession of any person cannot be satisfactorily accounted for.

2. *Execution of orders of confiscation.*—All orders relating to confiscations and to releases of property under the Excise Regulation should, except where otherwise provided for, be carried out departmentally by an officer not inferior in rank to an Inspector. If in such cases the property be in the custody of the Police, the officer in charge of the Police Station should be informed by the Inspector, through the officer executing the orders, if necessary, of their exact nature, and should be requested to return the property to him.

3. *Orders of confiscation.*—(1) All orders of confiscation or of imposition of fines shall be in writing, and shall be filed with the records of the case to which they relate.

(2) All decisions upon appeals preferred against such orders shall also be in writing and a copy of them shall be similarly filed.

(3) The owner of articles ordered to be confiscated and persons offered the option of payment of fines under Section 66 of the Regulation shall be entitled to copies of all such orders and decisions in appeal upon payment of copying fees at the usual rates and of stamp duty under Article 8, Schedule I of the Mysore Court Fees Regulation 19.....

Provided that any officer granting any such copy may remit the payment of copying fees, on account of the poverty of the persons who would otherwise have to pay them or for other sufficient cause.

4. *Disposal of articles in Excise cases departmentally released.*—In Excise cases where the offender is known, but is released with a warning as those of shop-keepers found in possession of country spirits weaker than by more than one degree below the prescribed strength and of persons who appear to have offended through ignorance or inadvertance, confiscation cannot be ordered. If diluted liquor has been seized in connection with such cases, it should, be required as a condition of release that such liquor shall be destroyed before an Excise Inspector or other responsible officer of the Department if the quantity is inconsiderable, or, if it is large, that it shall be sent back to the depot whence it was originally purchased for the purpose of being reblended at the cost of the shop-keeper concerned. As regards other articles seized in such cases, the only course open is to return them to the offender. In any case in which confiscation seems desirable, the offender must be prosecuted.

5. *Disposal of articles in Excise cases released under head IV.*—It is only in doubtful cases which are released for want of proof, that Excise officers are competent to pass order of confiscation. Their careful attention is drawn to Section 65 of the Excise Regulation as to articles liable to confiscation and to the proviso to Section 66 as to the procedure to be adopted.

H. H. SPARKES,
Excise Commissioner in Mysore.

EDUCATION DEPARTMENT.

Notification D. No. 26, *dated 29th November* 1910.

The gentlemen whose names are given below are appointed to form a Committee for the management of the Aided Sanskrit Pathasala at Hulikal, Arkalgud Taluk :—

President.

Mr. Rangadhama Iyengar.

Secretary.

Mr. Chakravarti Narasimhachar.

Members.

Mr. Mahadimane Narasimhachar.
„ Venkataiengar.
„ Jois Rangachar.
„ Dayalu Srinivasa Iyengar.
„ Halemane Shama Iyengar.
„ Narasimhachar, son of Mr. Shamaiengar.

Notification D. No. 27 *of* 1910-11, *dated 5th December* 1910.

In supersession of Notification D. No. 27 of 1906-07, dated 18th March 1907, Kanarese Third Reader by E. Marsden, B.A., is prescribed for use in the 3rd Vernacular Class and I Anglo-Vernacular Class in all Government and Aided Schools.

J. WEIR,
Inspector-General of Education in Mysore.